

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

ANNA MARIE HOFER and GLENN
HOFER, Wife and Husband,

Plaintiffs,

vs.

BATH & BODY WORKS, INC., f/k/a L
BRANDS, INC.;

VICTORIA'S SECRET, A Wholly Owned
Subsidiary of L BRANDS, INC.;

VICTORIA'S SECRET & CO., f/k/a
VICTORIA'S SECRET, A Wholly Owned
Subsidiary of L BRANDS, INC.;

Defendants.

CIVIL DIVISION

No.: **GD-21-11603**

COMPLAINT IN A CIVIL ACTION

Filed on behalf of Plaintiffs:
Anna Marie Hofer and Glenn Hofer

Counsel of Record for Plaintiffs:

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JURY TRIAL DEMANDED

FILED

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**DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA**

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ALLEGHENY COUNTY, PENNSYLVANIA

ANNA MARIE HOFER and GLENN) CIVIL DIVISION
HOFER, Wife and Husband,)
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Subsidiary of L BRANDS, INC.;)
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VICTORIA'S SECRET & CO., f/k/a)
VICTORIA'S SECRET, A Wholly Owned)
Subsidiary of L BRANDS, INC.;)
)
Defendants.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER [OR CANNOT AFFORD ONE], GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW [TO FIND OUT WHERE YOU CAN GET LEGAL HELP]. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE - LAWYER REFERRAL SERVICE
THE ALLEGHENY COUNTY BAR ASSOC.
Koppers Building, 3rd Floor
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone (412) 261-5555

IN THE COURT OF COMMON PLEAS
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HOFER, Wife and Husband,)	
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VICTORIA'S SECRET, A Wholly Owned)	
Subsidiary of L BRANDS, INC.;)	
)	
Defendants.)	

COMPLAINT IN A CIVIL ACTION

AND NOW, come the Plaintiffs, ANNA MARIE HOFER and GLENN HOFER, wife and husband, by and through their attorneys, EDGAR SNYDER & ASSOCIATES, LLC; DOUGLAS J. OLCOTT, ESQUIRE; KATHRYN C. MONBARON, ESQUIRE; and EDGAR SNYDER & ASSOCIATES, LLC and set forth the within Complaint in a Civil Action and in support thereof aver as follows:

1. Plaintiffs, ANNA MARIE HOFER and GLENN HOFER, are married adult individuals who reside at 351 Dorseyville Road, Pittsburgh, Allegheny County, Pennsylvania 15215.

2. Defendant, BATH & BODY WORKS, INC., f/k/a L BRANDS, INC., is a foreign corporation authorized to transact and conduct business within the Commonwealth of Pennsylvania with a principal place of business located at Three Limited Parkway, Columbus, Ohio 43230.

3. Defendant, VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., is a foreign corporation authorized to transact and conduct business within the Commonwealth of Pennsylvania with a principal place of business located at Four Limited Parkway, Reynoldsburg, Ohio 43068.

4. Defendant, VICTORIA'S SECRET & CO. f/k/a VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., is a foreign corporation authorized to transact and conduct business within the Commonwealth of Pennsylvania with a principal place of business located at Four Limited Parkway, Reynoldsburg, Ohio 43068.

5. At all times material hereto, Defendants, BATH & BODY WORKS, INC., f/k/a L BRANDS, INC., VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., and VICTORIA'S SECRET & CO. f/k/a VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., were acting by and through their respective officers, agents, servants and/or employees who were acting within the course and scope of their office, agency, servitude, and/or employment with Defendants.

6. At all times relevant hereto, it is believed and therefore averred, Defendants, BATH & BODY WORKS, INC., f/k/a L BRANDS, INC., VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., and VICTORIA'S SECRET & CO. f/k/a VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., are related entities and will be hereinafter collectively referred to as "VICTORIA'S SECRET".

7. The VICTORIA'S SECRET Defendants owned, controlled, maintained, operated and/or managed the Victoria's Secret/Pink Retail Store(s), located within the Pittsburgh Mills Mall a/k/a The Galleria at Pittsburgh Mills, located at 176 Pittsburgh Mills Circle, Tarentum, Pennsylvania, Allegheny County, Pennsylvania 15084 (hereinafter "STORE").

8. At all times relevant hereto, it is believed and therefore averred that the VICTORIA'S SECRET Defendants were responsible for the inspection, maintenance, design, construction, repair, safety, and policing of the STORE including the means of ingress and egress, doorways, walking surfaces, display areas, and clothing racks.

9. At all times material hereto, VICTORIA'S SECRET Defendants held the STORE out and open to the public and advertised to the public for business invitees to enter into and upon its business premise for which such invitees were known to be patronizing the STORE.

10. On December 23, 2019, ANNA MARIE HOFER was patronizing the STORE and as such was a business invitee.

11. While patronizing the STORE ANNA MARIE HOFER's attention was drawn to a rack of clothing containing jogging suits/sweatsuits.

12. The floor space at the STORE appeared to ANNA MARIE HOFER to be more crowded than normal with extra displays and clothes racks since Christmas was only two (2) days away.

13. As ANNA MARIE HOFER was walking around the rack of clothes, unbeknownst to her, there was a piece of metal protruding from the bottom of the clothes rack.

14. The piece of metal was hidden and/or obscured from ANNA MARIE HOFER's view by the clothes hanging on the rack.

15. The above-described condition existed in an area where Defendant VICTORIA'S SECRET's customers were encouraged and known to walk and created a dangerous tripping/falling hazard for customers, such as ANNA MARIE HOFER.

16. The piece of metal protruding from the bottom of the clothes rack caused ANNA MARIE HOFER to trip and fall to the ground striking her left knee on the marble/tile floor.

17. At all times material hereto, the location and configuration of the clothing rack caused a hazardous and unsafe condition in the STORE, which was caused, allowed, and/or permitted to exist as a result of the negligence of the VICTORIA'S SECRET Defendants, as set forth more fully herein.

18. Due to the negligence of the VICTORIA'S SECRET Defendants, Plaintiff-Wife, ANNA MARIE HOFER, was caused to sustain serious and permanent bodily injuries and damages as set forth more fully herein.

COUNT I

ANNA MARIE HOFER

v.

**BATH & BODY WORKS, INC., f/k/a L BRANDS, INC.; VICTORIA'S
SECRET, A Wholly Owned Subsidiary of L BRANDS, INC.; and
VICTORIA'S SECRET & CO., f/k/a VICTORIA'S SECRET,
A Wholly Owned Subsidiary of L BRANDS, INC.**

19. Paragraphs 1 through 18 are incorporated herein by reference as if fully set forth at length.

20. At all times relevant hereto ANNA MARIE HOFER was a business invitee of the VICTORIA'S SECRET Defendants.

21. The VICTORIA'S SECRET Defendants owed a duty to business invitees, including ANNA MARIE HOFER, to protect them from foreseeable harm.

22. The VICTORIA'S SECRET Defendants owed a duty to business invitees, including ANNA MARIE HOFER, to inspect their premises to conduct reasonable inspections to discovery dangerous conditions and to provide such warnings or safeguards as may be necessary for the business invitee's protection.

23. The VICTORIA'S SECRET Defendants owed a duty to business invitees, including ANNA MARIE HOFER, to maintain its premises in a reasonably safe condition:

24. The VICTORIA'S SECRET Defendants breached its duty to ANNA MARIE HOFER while she was a patron of the STORE.

25. ANNA MARIE HOFER sustained injuries as a direct and proximate result of the negligence and carelessness of the VICTORIA'S SECRET Defendants, generally and in the following particulars:

- a. In placing clothing racks and displays too close together to allow customers to safely maneuver around the store;
- b. In failing to adequately train its employee/representatives to properly arrange the clothing racks and displays in the STORE so as not to impede customer walking areas;
- c. In failing to establish and/or enforce safe and reasonable guidelines and instructions regarding the arrangement of clothing racks and displays in the STORE so as not to impede customer walking areas;
- d. In failing to adequately train its employee/representatives to properly inspect the STORE for dangerous conditions
- e. In failing to provide a safe walking area between clothing racks and displays in the STORE;
- f. In failing to take the necessary precautions to ensure that the clothes racks and display racks were maintained in a safe, secure, and proper manner;
- g. In failing to recognize and/or notice that the arranging of the clothing racks and displays as configured on the date of this incident created a dangerous condition and/or fall hazard;
- h. In violating ADA requirements by impermissibly narrowing accessibility through the STORE by narrowing accessible walkways and routes due to the improper placement of clothing racks and displays in the STORE;
- i. In causing, allowing, and/or permitting a dangerous condition to exist; i.e., piece of metal protruding from the bottom of the clothes rack, which created a dangerous tripping hazard for customers;
- j. In failing to recognize and/or notice that the piece of metal protruding from the bottom of the clothes rack created a dangerous condition and/or fall hazard;
- k. In permitting the condition to exist in an area in which the Defendant knew or should have known customers would walk;

- l. In permitting the dangerous condition to exist for a lengthy and unreasonable period of time;**
- m. In failing to ensure that no dangerous, hazardous and/or unsafe condition existed on the premises;**
- n. In failing to properly, promptly, adequately, and/or frequently inspect the premises to discover the dangerous condition;**
- o. In failing to take necessary and adequate steps/precautions to correct, repair, and/or remove the dangerous condition;**
- p. In failing to properly, promptly, adequately, and/or frequently warn, place cones, place signs, advise, or otherwise notify business invitees of the dangerous condition;**
- q. In failing to adequately train its employee/representatives to properly inspect the STORE for dangerous conditions, including but not limited to tripping hazards;**
- r. In failing to create and enforce adequate policies and procedures concerning the inspection of the STORE for dangerous conditions, including but not limited to tripping hazards; and**
- s. In failing to follow and/or abide by applicable regulations, building codes and/or guidelines regarding accessible aisle access including, but not limited to, International Building Code § 1014.4.2; National Bureau of Standards; The BOCA Basic Building Code; American National Standards Institute (ANSI); American with Disabilities Act (ADA) Standards; ADA Accessibility Guidelines (ADAAG); International Property Maintenance Code; International Building Code; International Fire Code; Uniform Construction Code; and the Uniform Building Code; all of which contain sections/provisions regarding means of egress, walking surfaces, , risers, handrails, ramps, accessible routes, and warnings, all which are hereby incorporated by reference here as if set forth at length.**

26. As a direct and proximate result of the aforesaid negligence and carelessness of the VICTORIA'S SECRET Defendants, Plaintiff-Wife, ANNA MARIE HOFER, sustained the following injuries, some or all of which may be permanent:

- a. Tear of the medial meniscus of the left knee;**
- b. Tear of the lateral meniscus of the left knee;**

- c. Left knee medial femoral condyle chondrosis, grade 4;
- d. Left knee lateral tibial plateau chondrosis, grade 2-3;
- e. Left knee trochlear groove chondrosis, grade 2;
- f. Surgical repair of the left knee including left knee arthroscopic partial medial meniscectomy with chondroplasty of the medial femoral condyle; and left knee arthroscopic partial tear meniscectomy;
- g. Recurrent tear of the lateral meniscus of the left knee;
- h. Surgical repair of the left knee including left knee arthroscopic partial lateral meniscectomy;
- i. Effusion of the left knee;
- j. Left knee tightness;
- k. Instability of the left knee;
- l. Left knee swelling;
- m. Left knee pain;
- n. Decreased range of motion of the left knee;
- o. Decreased strength, endurance and stamina;
- p. Ecchymosis and bruising around the right thigh;
- q. Permanent scarring and disfigurement;
- r. Severe shock, strain and/or sprain of the muscles, ligaments, tendons, nerves, tissues, and vessels of the musculoskeletal system;
- s. Aggravation of pre-existing, asymptomatic, conditions including, but not limited to, osteoarthritis of the left knee; and
- t. Other severe and/or permanent injuries, the exact nature of which is not known at this time.

27. As a direct and proximate result of the negligence and carelessness of the VICTORIA'S SECRET Defendants, Plaintiff-Wife, ANNA MARIE HOFER, sustained the following damages:

- a. She has endured and will continue to endure physical pain, emotional anguish, suffering, anxiety, discomfort, distress, depression, stress, inconvenience, and a loss of enjoyment of life;
- b. Her general health, strength and vitality have been impaired;
- c. She has been embarrassed and humiliated;
- d. She has been and will be required to expend large sums of money for medical attention, hospitalization, medical supplies, medical appliances, medicines and various other medical services which have or may be in excess of the limits set forth in the Pennsylvania Financial Responsibility Law; and
- e. She has sustained a loss of wages and a loss of earning capacity; and
- f. She has sustained permanent scarring and disfigurement.

WHEREFORE, Plaintiff, ANNA MARIE HOFER, respectfully requests this Honorable Court enter judgment in her favor against Defendants, BATH & BODY WORKS, INC., f/k/a L BRANDS, INC.; VICTORIA'S SECRET & CO., f/k/a VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC.; and VICTORIA'S SECRET & CO., f/k/a VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., in an amount in excess of the Arbitration limits of Allegheny County Court of Common Pleas plus Court costs and Pa.R.C.P. 238 damages.

JURY TRIAL DEMANDED.

COUNT II

GLENN HOFER

v.

**BATH & BODY WORKS, INC., f/k/a L BRANDS, INC.; VICTORIA'S
SECRET, A Wholly Owned Subsidiary of L BRANDS, INC.; and
VICTORIA'S SECRET & CO., f/k/a VICTORIA'S SECRET,
A Wholly Owned Subsidiary of L BRANDS, INC.**

28. Paragraphs 1 through 27, inclusive, are incorporated herein by reference as though more fully set forth at length.

29. GLENN HOFER is the husband of ANNA MARIE HOFER, who was injured by the negligence and carelessness of the VICTORIA'S SECRET Defendants, as described in Count I, above, which is incorporated herein by reference as though fully set forth at length.

30. Solely, as a direct and proximate result of the negligence and carelessness of the VICTORIA'S SECRET Defendants, Plaintiff-Husband, GLENN HOFER, has sustained the following damages:

- a. Loss of consortium;
- b. Great inconvenience; and
- c. Incurred debt and expenses as a result of the injuries and damages to Plaintiff-Wife and seeks recovery of these costs.

WHEREFORE, Plaintiff, GLENN HOFER, respectfully requests this Honorable Court to enter judgment in his favor and against the Defendants, BATH & BODY WORKS, INC., f/k/a L BRANDS, INC.; VICTORIA'S SECRET & CO., f/k/a VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC.; and VICTORIA'S SECRET & CO., f/k/a VICTORIA'S SECRET, A Wholly Owned Subsidiary of L BRANDS, INC., in an amount in excess of the Arbitration limits of Allegheny County Court of Common Pleas plus Court costs and Pa.R.C.P. 238 damages.

JURY TRIAL DEMANDED.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES, LLC

By 

Douglas J. Olcott, Esquire
Counsel for Plaintiff

VERIFICATION

We, ANNA MARIE HOFER and GLENN HOFER, wife and husband and Plaintiffs herein, hereby verify that the averments of fact contained in the COMPLAINT IN A CIVIL ACTION are true and correct and based upon our personal knowledge, information, or belief. We understand that these averments of fact are made subject to the penalties of 18 P.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date:

9/23/2021

Annalmarie Hofer
ANNA MARIE HOFER

Date:

9/23/2021

Glenn P Hofer
GLENN HOFER

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of *the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Counsel for Plaintiffs

Signature: 

Name: Douglas J. Olcott

Attorney No.: 204851